

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No. 1:08-cv-907

Plaintiff,

HONORABLE
ROBERT J. JONKER

v.

MAGISTRATE JUDGE
HUGH W. BRENNEMAN, JR.

PEOPLEMARK, INC.,

Defendant.

EXPEDITED CONSIDERATION REQUESTED
Plaintiff's Response to Defendant's Summary Judgment Motion is due on
Thursday, March 25, 2010

JOINT MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 41(a), Plaintiff Equal Employment Opportunity Commission and Defendant Peoplemark, Inc. (herein after referred to as "parties"), hereby move this Honorable Court to enter an Order of Dismissal with prejudice in the above captioned action. The parties agree that Peoplemark is the prevailing party for purposes of determining Peoplemark's entitlement to costs and attorney's fees under section 706(k) of Title VII, and that the amount of such costs and fees should be decided by the Court if the issue is not resolved through voluntary mediation. Accordingly, the parties further move this Honorable Court to retain jurisdiction of this matter for the purpose of determining Peoplemark's entitlement to costs and attorney's fees if that issue is not resolved through mediation.

Respectfully submitted,

Dated: March 24, 2010

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

s/OmarWeaver

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PEOPLEMARK, INC.

s/Edward R. Young
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PEOPLEMARK, INC.,

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**MEMORANDUM OF LAW IN SUPPORT OF
JOINT MOTION TO DISMISS**

The parties rely on Fed. R. Civ. P. 41(a) in support of this motion.

Respectfully submitted,

Dated: March 24, 2010

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s/OmarWeaver

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s/Edward R. Young

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